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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,308

03/09/2007

Corrado Barani

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER

PRINCE, FRED G

ART UNIT

PAPER NUMBER

1797

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,308	Applicant(s) BARANI, CORRADO	
	Examiner FRED PRINCE	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0206</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 9-11 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Copeland et al. (US Pat No 5,137,694).

Copeland et al. teach a device for dissolving a solid chemical substance with water so as to obtain an aqueous solution; the device comprising a container (30), which has a collecting portion for containing the aqueous solution, and a loading chamber (30a), which is set above the collecting portion, is designed to contain the solid chemical substance (130) and is provided with supporting means (31), designed to support the solid chemical substance, and water-dispersion means (40) for directing at least one first jet of water on said solid chemical substance; wherein the water-dispersion means are arranged within the loading chamber above the supporting means (Fig. 3) and are designed to direct the first jet of water in at least one of laterally and/or downwards so as to wet the solid chemical substance with respect to the water-dispersion means themselves, containment walls (30), supplying means (36; col. 9, lines 29-32), drainage means (32), a control unit (50; col. 10, lines 49-55), a level detection means (33, 34; col. 9, lines 23-40), first and second concentration detection means (41a, 41b) .

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Regarding the drainage means being designed to a swimming pool, it is submitted that the recitation is one of intended use that fails to add structure to the device.

Accordingly, while the limitation has been considered, it is not persuasive of patentability.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Copeland et al. ('694) in view of Jeavons et al. (US Pat 1,978,536).

The device of Copeland et al. is described above.

Copeland et al. do not disclose a storage portion above a dissolving portion and a permeable lateral-containment means.

In any case, Jeavons et al. disclose the well known concept of providing a storage portion (Fig. 1) above a dissolving portion in order to, for example, provide solids above a level at which liquid can contact the solids and providing lateral containment means (16, 33) in order to, for example, confine solids to a particular region.

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of Copeland et al. such that it includes a storage portion above a dissolving portion in order to, for example, provide solids above a level at which liquid can contact

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the solids and providing lateral containment means in order to, for example, confine solids to a particular region.

5. Claims 6-7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copeland et al. ('694) in view of Scheimann et al. (US Pat No 5,253,937).

The device of Copeland et al. is described above. Copeland et al. do not disclose a mixer comprising at least a second jet or water.

Scheimann et al. disclose providing a device with a jet (31) in order to, for example, provide enhanced mixing and prevent sediment build-up.

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of Copeland et al. such that it includes the well known concept of providing the device with a jet in order to, for example, provide enhanced mixing and prevent sediment build-up.

Per claim 18, Copeland does not disclose an overflow tube above a collection portion.

Scheimann et al. disclose providing a device with an overflow pipe (52, 58) in order to, for example, bypass an obstructed outlet.

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of Copeland et al. such that it includes an overflow pipe (52, 58) in order to, for example, bypass an obstructed outlet.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Copeland et al. in view of Scheimann et al. as applied above, and further in view of Mollring (US Pat No 3,160,352).

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Copeland et al., as modified by Scheimann et al., is described above. Copeland et al. do not disclose utilizing a mechanical stirrer as a mixer.

In any case, Mollring disclose the well known concept of utilizing a mechanical stirrer (50, 53) in order to, for example, promote the suspension or dissolution of material.

Accordingly, it would have been readily obvious for the skilled artisan to modify the device of Copeland et al., as modified by Scheimann et al., such that it includes a mechanical stirrer (50, 53) in order to, for example, promote the suspension or dissolution of material.

Allowable Subject Matter

7. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PRINCE whose telephone number is (571)272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Prince/
Primary Examiner, Art Unit 1797

fgp
11/6/08